

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

STACY ERNST <i>et al.</i>)	
)	Case No. 08-C-4370
Plaintiffs,)	
)	Judge Rebecca R. Pallmeyer
v.)	
)	
CITY OF CHICAGO)	
)	
Defendant.)	

**AMENDED JUDGMENT ORDER RELATING TO
PLAINTIFF KATHERINE KEAN**

Pursuant to and consistent with the Court’s Memorandum Order and Opinion dated December 21, 2018, ECF No. 790, and the September 19, 2016 Order of the United States Court of Appeals for the Seventh Circuit, the Court vacates the Judgment Order entered February 5, 2019, ECF No. 808, and enters judgment in favor of Katherine Kean (“Kean”) and against the Defendant City of Chicago (“City”) on her claim of disparate impact and orders as follows:

1. The Court awards Kean backpay damages for disparate impact discrimination totaling \$441,124, consisting of \$313,588 in lost earnings and \$127,536 in prejudgment interest.

2. Within 60 days of the entry of this Order, the City shall pay to Kean the amounts set forth in paragraph 1. The City shall pay the employer share of Medicare tax and withhold the employee-share of Medicare tax from wages but shall not withhold social security taxes. The City shall issue the appropriate W-2 for the wage and tax awards for 2019 that indicates this pay is not subject to social security tax because Kean is a participant in a City of Chicago pension fund, as well as an appropriate 1099-Int for the prejudgment interest portion of such award for 2019.

3. Kean has elected not to be instated as a Chicago Fire Department paramedic. Thus, within 60 days of the entry of this Order, the City shall pay to Kean \$143,876 for the value of her lost vested pension benefits as of January 25, 2019, and the amount necessary to offset the tax penalty for receiving the payment in one lump sum. The City shall pay the employer share of Medicare tax and withhold the employee-share of Medicare tax from this pension award but shall not withhold social security taxes because Kean is a participant in a City of Chicago pension fund. The City shall include these payments in the W-2 it issues for 2019 for Kean.

4. This final order resolves Kean's claim of disparate impact against the City. Kean voluntarily dismisses her claim of disparate treatment against the City, with each side agreeing to bear its own costs relating to that claim. Accordingly, Kean's claims of disparate impact and disparate treatment are dismissed with prejudice. Kean's claim for attorneys' fees, costs and expenses, which she has assigned to her counsel, is resolved by separate order.

5. By agreement of the parties, the City's motion to modify or amend the Memorandum Opinion and Order, ECF No. 815, is hereby dismissed as moot. By agreement of the parties, this final order is unappealable and resolves all claims asserted by Katherine Kean, except those for attorney's fees, which are resolved by separate order.

6. The Court retains jurisdiction to enforce the terms of this final judgment order.

ENTERED:



Date: May 2, 2019

Judge Rebecca R. Pallmeyer